

MEMORANDUM ENDORSED

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August 14, 2023

VIA ECF

Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Zivkovic v. Laura Christy LLC, et al,*
No.: 17 CV 553 (GHW)(GWG)

Dear Judge Woods,

We represent Plaintiffs and the Fed. R. Civ. P. Rule 23 Subclasses ("Plaintiffs") in the above-referenced matter. We write to respectfully request leave from the Court to send renewed restraining notices on third-parties whom may be in possession ...

On June 22, 2022, this Court entered a judgment in this case against Defendants Laura Christy LLC, Laura Christy Midtown LLC, and David Ghatanfard (the "Judgment Debtors"), jointly and severally, for an amount in excess of \$5 million. *See* ECF No. 324. On July 4, 2023, the Court entered a revised partial judgment wherein Plaintiffs/Judgment-Creditors are entitled to the same amount as set forth in the original judgment (the "Judgment"). *Id.* at 424. To date, the entirety of the Judgment remains unpaid.

Pursuant to Fed. R. Civ. P. § 69 and N.Y. C.P.L.R. § 5222, after the Court entered Judgment in June 2022, Plaintiffs served various restraining notices on banks and third-parties who may be in possession of assets or property in which Judgment Debtors have a direct interest. CPLR § 5222(b) states in relevant part, "[a] restraining notice served upon a person other than the judgment debtor or obligor is effective ... until the expiration of one year after the notice is served upon him or her, or until the judgment or order is satisfied or vacated, whichever event first occurs." Pursuant to CPLR 5222(c) a judgment creditor may serve more than one restraining notice on the same person with respect to the same judgment, but only with leave of court. *See* N.Y. C.P.L.R. § 5222(c) ("Leave of court is required to serve more than one restraining notice upon the same person with respect to the same judgment or order."). As the Judgment here remains unpaid, Plaintiffs respectfully request that the Court allow them to serve renewed restraining notices, with a duration

of one year, on banks and third-parties who may be in possession of property in which Judgment Debtors have a direct interest. *See, e.g., Eagle Eye Collection Corp. v. Odey*, No. 656417/2016, 2022 NY Misc. LEXIS 10944, at *9-10 (N.Y. Sup. Ct. July 19, 2022) (“This Court grants DiResta's motion for leave to serve a new restraining notice for his still unsatisfied judgment to the extent that he may serve an additional restraining notice with a duration of one year.”).

We thank the Court for its attention to this matter.

Respectfully submitted,

JOSEPH & KIRSCHENBAUM LLP

/s/ Josef Nussbaum

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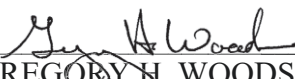
cc: All Counsel of Record (via ECF)

Application granted. Plaintiffs are granted leave to serve renewed restraining notices, with a duration of one year, on banks and third-parties who may be in possession of property in which Judgment Debtors have a direct interest.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 458.

SO ORDERED.

Dated: August 15, 2023
New York, New York



GREGORY H. WOODS
United States District Judge